

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

JOHN DOE, *et al.*,

Plaintiff,

V.

CITY OF INDIANAPOLIS, INDIANA,  
*et al.*,

**Defendants.**

No. 1:12-cv-0062 TWP-MJD

**Affidavit of Margaretha Geertsema-Sligh, Ph.D.**

Comes now Margaretha Geertsema-Sligh, being duly sworn upon her oath, and says that:

1. I am an Associate Professor in the College of Communication at Butler University in Indianapolis, Indiana.
2. I have attached my current *Curriculum Vitae* that accurately summarizes my education, information about my academic employment, publications and other materials I have authored or co-authored, papers I have presented, as well as other information.
3. Among the courses that I am teaching at Butler at the current time is a course entitled New Media & Public Communications. This is basically a course on social media and the changes that are occurring with regard to the various forms of mass communication.
4. The term “social media” is defined as “an umbrella term that covers a group of web-based software applications, the content generated by users of those applications, and the services that make both accessible to just about anyone with a web browser” (Waters, 2010, p. 2).

5. Waters points out social media include “social networking sites (Facebook, MySpace, LinkedIn), wikis (web pages for collaboration), blogs (personal online diaries), video and photo-sharing (YouTube, Flickr, Webshots), social bookmarking (Delicious, Digg), online reviews (Yelp, Epinions), and virtual worlds (Second Life, World of Warcraft)” (2010, p. 2). Location-based services such as Foursquare and Gowalla and podcasting websites are also considered to be social media. These generally require the user to have a password or some other identifier to participate.

6. As defined above, a social network is “a specific type of social media service and shouldn’t be confused with other types of social media (blogs, microblogs, wikis, etc) or other kinds of online services with a social component” (Waters, 2010, p. 42).

7. According to Waters, the following online services are not social networks: Blogs, Internet Forums, Wikis, Bookmarking and Tagging Services, Social News Sites, Photo and Video Sharing, and Dating Services (2010, p. 42-43)

8. Instant messaging and chat room programs are programs that allow direct communication, in real time, between two or more users.

9. As a professor and researcher in the area of mass communications, which includes social networking web sites and such things as instant messaging and chat rooms, I am aware of the wide variety of these sites and their use in modern society today.

10. I am familiar with much of the literature concerning social media. This includes:

Waters, J.K. (2010). *The Everything Guide to Social Media*.

Zandt, D. (2010). *Share This! How You Will Change the World with Social Networking*.

Keen, A. (2007). *The Cult of the Amateur*.

Levinson, P. (2009). *New New Media*.

Shirky, C. (2008). *Here Comes Everybody*.

Baran, S. (2009). *Introduction to Mass Communication*.

Boyd, D.M. & Ellison, N.B. (2008). Social network sites: Definition, History, and Scholarship. *Journal of Computer-Mediated Communication*, vol. 13, pp. 210-230.

11. I have been asked to address the use and proliferation of social networking web sites, instant messaging, and chat room programs in today's society and the significance of such sites to many persons.

12. I have reviewed the complaint in *Doe v. City of Indianapolis, Indiana*, which contains a verbatim reproduction of Indiana Code § 35-42-4-12.

13. I understand that Indiana Code § 35-42-4-12 denies certain persons from accessing social networking web sites, instant messaging or chat room programs if these sites allows persons under the age of 18 years of age to access them.

14. I have reviewed the definitions of instant messaging or chat room program and social networking web site that are contained in Indiana Code § 35-42-4-12.

15. These definitions encompass a great deal of modern methods of communication and social interaction.

16. For example, Facebook is the most used social networking site in the world with more than 200 million users in the United States and more than 800 million worldwide. <http://www.nytimes.com/2011/12/14/technology/shunning-facebook-and-living-to-tell-about-it.html>.

17. As with most social networking sites a user on Facebook must register and create an account, username or password. Once this is done the user creates a personal profile and is able to exchange information with other users who can be invited to become "friends" or who can request "friendship". Moreover, Facebook, like other social networking sites, allows users to join with others in common-interest groups.

18. Facebook allows any person who indicates that he or she is older than 13 to become a user. I am a Facebook user.

19. Facebook has become so widely used that it has displaced other access points to the internet. For example, many persons will not use traditional e-mail, but will communicate with others through Facebook.

20. Additionally, a person must use Facebook now to access other services. For example, as noted in the complaint, a person cannot respond on-line to an article in the *Indianapolis Star* without a Facebook account. There are many other examples of a Facebook account being needed to access other matters on the internet.

21. A recent article in Time Magazine, *This is Your Life (According to Your New Timeline)*, by Allie Townsend (Feb. 13, 2012), notes “Facebook’s emerging role as an Internet passport. It’s now that much harder to get a complete online experience without it.” (*Id.* at 39) .

22. Twitter is a social media site that allows users to send and read short text messages of up to 140 characters known as tweets. Those participating in Twitter create accounts and may follow other persons’ tweets. Twitter has been reported as being one of the ten-most-visited websites in the world. <http://www.alex.com/siteinfo/twitter.com>.

23. According to the Twitter website, “Twitter is not for children under the age of 13. We do not knowingly collect personal information from children under 13. If you become aware that your child under the age of 13 has provided us with personal information without your consent, please contact us at [privacy@twitter.com](mailto:privacy@twitter.com), and we will take steps to remove this information and terminate the account. You can learn more by visiting [Twitter’s Privacy Policy](#)”.

<http://support.twitter.com/groups/33-report-a-violation/topics/166-safety-center/articles/470968-safety-parent-and-teen-tips#>

24. These sites allow persons to associate for political, religious, social and other purposes by allowing members to discuss issues back and forth.

25. Another popular social networking site is LinkedIn. This is considered to be a social network for professionals in that it provides the opportunity to establish a professional profile and be linked with others. It is used by many to seek employment and other opportunities and to find persons with other professional interests. According to its website, it currently has 120 million members world-wide. <http://learn.linkedin.com/what-is-linkedin/>.

26. It is my understanding that a person is supposed to be at least 18 to create a LinkedIn profile. However, partial profiles can be viewed by anyone. For example, a portion of my LinkedIn profile can be accessed by anyone, regardless of whether they are LinkedIn members by going to <http://www.linkedin.com/in/mgeertsema>.

27. Social networking sites and chat rooms and instant messaging have effected a revolution in communication.

28. Prior to the advent of these methods of communication mass communication involved one message being sent out to many persons. Thus, the communication revolution started with Gutenberg's development of the printing press meant that those who owned the presses could get their message out to the masses.

29. However, social networking sites, chat rooms and instant messaging make it possible for the average person to create, produce, distribute, and get feedback about his or her own media content.

30. Social networking sites, chat rooms, and instant messaging are not only ways to communicate, but also ways to get information. For example, according to the Pew Research

Center, 20% of Americans get campaign news from Facebook.

[http://www.pcworld.com/article/249504/one\\_in\\_five\\_get\\_campaign\\_news\\_from\\_facebook.html](http://www.pcworld.com/article/249504/one_in_five_get_campaign_news_from_facebook.html).

The Twitter news web page indicates that it has 3,663,578 followers following numerous news tweets. <http://twitter.com/#!/BreakingNews/following>.

31. The communicative, associational, and information providing aspects of the new social media was amply illustrated during the 2011 "Arab Spring" uprisings in the Middle East where social media sites were used to disseminate information, allow persons to communicate, and to allow persons to organize for common political and social purposes.

32. Information is now being shared in a participatory way. But, the information highway has become, in essence, a two-way street and if a person is not allowed to participate in this process they are in a real sense being denied their right to speak as well as being denied the opportunity to gain information.

### Verification

I verify under penalty of perjury that the foregoing representations are true. Executed on:

3/12/2012

DATE

  
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Margaretha Geertsema-Sligh

Prepared by:

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